

Commission for the Blind

State Rehabilitation Council

MINUTES (Draft)

Regular Meeting

November 19, 2024

Commission for the Blind

2200 Yale Blvd SE

Albuquerque, NM 87106

1. Call to Order

Chairperson Hayes called the meeting to order at 1:07 PM.

2. Roll Call

Secretary Blair was absent at the start of the meeting, so Chairperson Hayes asked Ms. Burma to take roll. Physically present were James Babb, Bernadine Chavez, Peggy Hayes, Mario Hooee, Frank Maestas, Paula Seanez, and Greg Trapp. Paul Luttrell and Lila Martinez attended by Zoom. Veronica Alonzo, Jeff Blair, and Dr. Margaret Cage joined the meeting later by Zoom.

3. Introduction of Guests and Staff

Staff present were Jim Salas, Deputy Director for Vocational Rehabilitation and Independent Living; Kelly Burma, Skills Center Coordinator and SRC Liaison; and Patricia Savage, Executive Secretary. Kevin Romero, Deputy Director for Finance and Administration; Jamie Sibson, Orientation Center Director; and Audrey Trujillo, Information Technology Manager attended by Zoom. Kaity Ellis attended by Zoom to represent Dr. Margaret Cage.

4. Approval of Possible Changes to the Agenda Order and Tabling of Agenda Items

Mr. Babb motioned to approve the agenda, authorizing moving the approval of the Annual Report should it be necessary due to the need to have a quorum. Mr. Maestas seconded the motion. A vote was taken, and the revised agenda was unanimously approved.

5. Approval of Minutes for the Meeting of September 18 and 19, 2024

Mr. Babb moved to approve the minutes with the attachment of the Open Meetings Act Resolution saying it will be on the agenda for the next meeting. Mr. Maestas seconded the motion. A vote was taken, and the minutes were unanimously approved.

6. Client Assistance Program Report, Bernadine Chavez

Ms. Chavez said she did not have a CAP report because there were no Commission calls to CAP during the quarter. Mr. Trapp asked about the DRNM priorities, and Ms. Chavez said there were no changes to the priorities.

7. Native American Vocational Rehabilitation Program Report, Paula Seanez

Ms. Seanez said tribes applied for new funding in the spring, and they began works under the new grants on October 1. She said eight tribes were not re-funded, but that those were not in New Mexico. She said o-cost extensions were approved for those programs that did not receive grant awards. She said there are 88 American Indian vocational rehabilitation programs throughout the country, three of which are in New Mexico.

Ms. Seanez stated the Navajo nation held its annual disability awareness conference on October 30 at Diné College. She said there were presentations on topics including Navajo disability laws, IDEA, criminal rights, traumatic head injury, and voting rights.

Ms. Seanez said the Navajo VR program continues to struggle with vacancies, and that two offers had been made for counselors in the Farmington area. Ms. Seanez said the Navajo Nation was represented at the International Project Search Conference in Albuquerque. She said the conference focused on people with cognitive disabilities and uses a community-wide approach emphasizing work-based learning activities. Ms. Seanez said the Navajo VR program is working to expand Project Search in the Shiprock community.

Ms. Seanez said the Consortium of Administrators for Native American Rehabilitation has scheduled its annual conference for December 3 – five in Las Vegas, New Mexico. RSA Commissioner Dante Allen will give the keynote address. She said the Native

American VR programs are hoping for an opportunity to present recommendations to Commissioner Allen, including a request that the programs be funded on a permanent rather than a competitive basis.

Mr. Trapp welcomed Ms. Seanez back to the council, and he asked Ms. Burma to talk about an initiative she is working on. Ms. Burma said the Commission is working to facilitate a Navajo language speech synthesizer for the JAWS screen reader and other technologies such as smart phones. Then Navajo users could use both Braille and speech. Ms. Burma said the Special Education Office has asked to be part of the work group. She stated that Freedom Scientific has said the first step is to contact nuance. She said Nuance is the creator of many speech synthesizers.

Mr. Trapp told Ms. Seanez the Commission for the Blind wants to work with the Navajo Nation on this project, and she readily agreed. Ms. Seanez asked if speech synthesis for the blind has been already accomplished with the Spanish language. Mr. Trapp responded yes, and he commented that there are dozens of languages that are available in synthesized form. He said it is also of benefit to anyone who is using an electronic device that has speech output.

8. Workforce Board Report, Veronica Alonzo

The report was postponed to later in the meeting.

9. Chairperson's Report, Peggy Hayes

Chairperson Hayes said she did not have a report.

10. Election of Officers

Ms. Seanez nominated Ms. Hayes for the position of Chair. Ms. Chavez seconded the motion. After nominations were called three times, Mr. Luttrell moved nominations cease

and Ms. Hayes be elected by acclamation. Ms. Seanez seconded the motion. A vote was taken, and Ms. Hayes was elected unanimously.

Ms. Seanez nominated Mr. Hooee for the position of Vice-Chair. Mr. Babb seconded the motion. After nominations were called three times, Mr. Luttrell moved nominations cease and Mr. Hooee be elected by acclamation. Ms. Seanez seconded the motion. A vote was taken, and Mr. Hooee was elected unanimously.

Ms. Hayes nominated Mr. Blair for the position of Secretary. Ms. Martinez seconded the motion. After nominations were called three times, Mr. Luttrell moved nominations cease and Mr. Blair be elected by acclamation. Ms. Seanez seconded the motion. A vote was taken, and Mr. Blair was elected unanimously.

Ms. Seanez nominated Ms. Chavez for the position of First At Large Executive Committee Member. Mr. Babb seconded the motion. After nominations were called three times, Mr. Luttrell moved nominations cease and Ms. Chavez be elected by acclamation. Mr. Babb seconded the motion. A vote was taken, and Ms. Chavez was elected unanimously.

Mr. Babb nominated Mr. Maestas for the position of Second At Large Executive Committee Member. Ms. Seanez seconded the motion. After nominations were called three times, Ms. Seanez moved nominations cease and Mr. Maestas be elected by acclamation. Mr. Luttrell seconded the motion. A vote was taken, and Mr. Maestas was elected unanimously.

11. Director's Report, Greg Trapp

a. Major Trends and Developments, Greg Trapp

Mr. Trapp reported on the Parent University held at the buffalo thunder resort in Santa Fe. He said it was a really successful event. He said Kaity Ellis was there and very much active and participating. He said there were about 600 parents present, and that he and Ms. Burma presented as part of a technology panel on the first day. Mr. Trapp

said he presented as a part of a panel during a plenary session on the second day. He said it was an innovative and exciting conference, and that Dr Cage did a great job of organizing it. He said lieutenant governor Morales was there on the second day and gave welcoming remarks.

Kaitly Ellis stated on behalf of Dr. Cage that the Public Education Department is ecstatic with the outcome of the Parent University. She said there will be future versions of the Parent University, and part of the focus will include low incidence disabilities.

Mr. Trapp commented on the national election, saying there will be some dramatic changes that will take place when the new Congress and new administration takes office in January. He said the Vocational Rehabilitation Program has historically enjoyed broad bipartisan support because it is all about helping to enable individuals with disabilities to attain to their highest goals and expectations, help them to become employed, and help them to become taxpayers. He said it is an incredibly cost effective program, saves the government money, and helps to drive the economy, business and industry. He said because of that support, he does not believe there will be any cuts to the VR program. Mr. Trapp said the VR program has historically received the CPIU increase, the annual cost of living adjustment. He said at the last meeting he said he thought it was likely there would be a CPIU increase, but He said he now thinks that it is less likely. He said if it doesn't go through, then the Commission is really going to have to work to get additional funding at the state level to make up for it.

Mr. Trapp said the Commission is strongly advocating for additional funding at the state level. Mr. Trapp said the Commission's LFC hearing was on the 23rd of October. He said the agency is asking that the amount of compensation received for increases to salaries and benefits be increased by an additional 15%, reflecting the Pre-ETS reserve, The vast majority of which cannot be used for salaries and benefits. He said he is hoping that instead of receiving 21.3% of the cost of salaries and benefits, the Commission will receive 36.3%.

Mr. Trapp said Commission staff recently attended the National Council of State Agencies for the Blind, the Council of State Administrators of vocational rehabilitation, and the Coalition of State Vocational Rehabilitation Councils meetings in Seattle. He said Bernadine Chavez attended, and the Commission helped fund her attendance for the council. Mr. Trapp attended along with Jim Salas, Denise Otero, Jamie Sibson, Kelly

Burma, and Daphne Mitchell. Mr. Trapp said he was elected President of the National Council of State agencies for the blind, saying he will serve as President Elect in 2025 and President in 2026.

Mr. Trapp said as part of the NCSAB/CSAVR conference, he participated in a think tank on artificial intelligence. He said this group is looking at how artificial intelligence will reshape the lives of individuals with disabilities. Mr. Trapp said he thinks artificial intelligence could be especially impactful for blind persons who use wheelchairs or have mobility impairments.

Mr. Trapp said he will meet with RSA Commissioner Dante Allen and Professor Donald Wunsch on Friday. He said Professor Wunsch is the director of the Kummer Institute Center for Artificial Intelligence and Autonomous Systems at the Missouri Institute of Science and Technology. Mr. Trapp said he has known Professor Wunsch for about 55 years, and that Professor Wunsch is now one of the leading figures in the nation on artificial intelligence. Mr. Trapp said he wants to make sure artificial intelligence remains a priority, adding that Commissioner Allen will lose his position with the coming administration. He said Commissioner Allen was an advocate of Artificial Intelligence.

Ms. Hayes asked where she can go to get more information about artificial intelligence, and Mister Trapp responded by saying it could be on her phone, demonstrating the Be My AI feature of the Be My Eyes app by taking a picture of one of the participants in the meeting and obtaining a description of that person.

b. Administration and Finance, Kevin Romero

Mr. Romero reported on the Federal Fiscal Year 24 VR grant as of November 13, saying the Commission has spent \$4,254,626 in general VR funds and \$909,801 in Pre-ETS funds, which includes \$500,000 transferred to the Commission from DVR. He said the amount remaining is \$915,327 in general VR funds and \$2,743 in Pre-ETS funds, totaling \$917,870. He said there was \$870,317 in obligations, adding that the Commission assumes a 20% under-utilization of obligations. He said the Commission plans to fully expend the Federal Fiscal Year 24 award by December 31, 2024. Mr. Romero said the Commission received a partial award of the Federal Fiscal Year 25 funds due to Congress passing a continuing resolution and not an actual budget. He

said the partial award was \$1,365,889, of which \$1,161,006 is general VR funds and \$204,883 is Pre-ETS funds. He said the Commission has spent \$8,832 of the FFY 25 Pre-ETS funds and has met \$199,846 in match.

Mr. Romero reported on human resources, saying the Commission has a total of 18 vacant positions, nine exempt positions and nine classified positions. He said the overall vacancy rate was 19.6%, 13.8% for classified positions, and 34% for exempt positions. He said the Commission is actively recruiting to fill four classified positions and is in the process of reclassing or recruiting for an additional three classified positions.

Mr. Romero said for the State Fiscal Year 25 budget, the Commission was appropriated \$18,050,600. He said the agency has expended \$6,925,007, or 38.4% of the budget. He said the agency has encumbrances of \$442,329.

Mr. Romero said State Fiscal Year 25 is a 50% year and that agencies cannot spend or obligate more than 50% of the budget prior to December 31. He said the Commission analyzed the current spend rate and concluded that the agency was not going to meet the 50% requirement. Mr. Romero said he submitted a waiver request that was approved by the Department of Finance and Administration. Mr. Maestas asked Mr. Romero what the percentage was after the waiver was approved, and Mr. Romero clarified that since the agency either meets the 50% requirement or obtains a waiver, with the waiver in place, there is no set allowable percentage.

Mr. Romero said the Commission's audit for fiscal year 24 was submitted on November 21 and was a timely submission.

c. Independent Living and Vocational Rehabilitation, Jim Salas

Mr. Salas said the Commission is interviewing for a Blindness Skills Instructor position.

Mr. Salas said he sent out information yesterday to the Council on revisions to the MOP (Manual of Operating Procedures) and chapter 18 posted on the Commission's webpage. He said the Spanish translation of the MOP will be completed soon.

Mr. Salas reported on employment numbers, saying for Federal Fiscal Year 24, a total of 20 consumers were placed in competitive and integrated employment, and one consumer was placed in self-employment, for a total of 21 consumers. He said the average wage was \$40.68 an hour. He said that for FY 25, 10 consumers were closed successfully in competitive, integrated employment and one consumer was placed in self-employment for a total of 11. He said the average wage was \$53.76 an hour, which he said is skewed because one consumer is earning a very high wage. He said 24 consumers are currently in employment status, and another 2 consumers are in Service E, for a total of 26.

Mr. Trapp said there are some statistical anomalies such as variables related to the pandemic that caused the number of closures to be unusually high for fiscal year 2023 and a little lower for fiscal year 2024. He said the higher average salary for fiscal year 2024 is also an outlier because of an anomaly, and this will be explained to the legislature.

d. Orientation Center, Jamie Sibson

Ms. Sibson said the Orientation Center is currently serving six students with one student pending admission.

Ms. Sibson said the Orientation Center is installing a fence that will go around the dorm and apartments, and that it is mostly completed. She said the pedestrian gates will be replaced to be ADA compliant. Ms. Sibson also said the Orientation Center is working on the HVAC and the filtration system in the Industrial Arts shop and hopes this project will be completed by mid-January. She said the two middle apartments are undergoing construction that should be finished in 3-4 weeks.

Ms. Sibson said one dorm staff recently retired, the vacant position was just posted, and she anticipates completing the hiring process by the first of the year. She said the Orientation Center recently filled an open part time position at the dorm. She said two positions are going through the reclassification process and will be posted once reclassified.

Ms. Sibson said for the state fiscal year from July 1, 2023 through June 30, 2024, the Orientation Center served nine adult students and 14 STEP students. She reported on the 2024 federal fiscal year, saying the Orientation Center served 12 adult students and 9 STEP students. She said the Center completed seven tours with students and served two staff trainees. Mr. Trapp said for the annual report, The Commission will be using the federal fiscal year numbers.

Ms. Chavez said the director at Disability Rights New Mexico recently got a tour of the Orientation Center from Jamie and was very impressed.

e. Skills Center, Kelly Burma

Ms. Burma said the Skill Center is currently serving 3 adults and 2 students who are eligible for Pre-Employment Transition Services. She said since the last SRC meeting, the Commission's Technology for Children program has served three students with equipment placement. She said the program serves many more children than the number reflected in the annual report and that the services provided include attending IEPs, providing classroom support for teachers, and talking to parents.

Chairperson Hayes asked if the Technology for Children program would be affected by the loss of Part B funds. Mr. Trapp responded that some of Ms. Burma's time is assigned to activities funded by Part B including Technology for Children, Creating Options, and the NFB BELL program. He said it is critical to find a way to reinstate some of those funds. He said they are currently clocking the Technology for Children time to Pre-ETS services whenever possible. Ms. Burma added that the Creating Options group will meet at the Skills Center tomorrow.

Ms. Burma said the Skills Center served nine students in the STEP program over the summer. She said the Skills Center served 23 adults.

12. Unfinished Business

a. Update on Part B Independent Living Funding, Greg Trapp

Mr. Trapp said the Commission has received Part B funding since its inception in 1986. He said historically, the state had two designated state entities that each received Part B funds, the general vocational rehabilitation agency and the agency for the blind. He said there are 22 agencies for the blind across the country. He said in 2014, the Workforce Innovation and Opportunity Act consolidated the designated state entities into only one per state, and this took effect in New Mexico in 2017 when the Division of Vocational Rehabilitation became the single designated state entity. He said some of the blind agencies lost their Part B funding as a result of the consolidation.

Mr. Trapp said there are three types of independent living programs: Part C, Part B, and Older Individuals who are Blind. He said OIB funds are restricted to persons aged 55 and over, and cannot be used for persons for whom an employment outcome is reasonable or likely. He said Part B funds are unrestricted and can be used to provide independent living services to individuals of all ages.

Mr. Trapp said the Commission receives \$62,000 a year in Part B funds. He said the Part B funds are a part of the State Plan for Independent Living, and with the SPIL cycle this year, the Part B funds were redesignated without the Commission's knowledge. He said the Statewide Independent Living Council held meetings in January, February, and March, but it wasn't until the end of April that the Commission became aware that the SILC intended to take the Part B funds historically given to the Commission and redistribute those to the Centers for Independent Living and the Division of Vocational Rehabilitation.

Mr. Trapp said the Commission is trying to find a path forward and has been having discussions with the DVR director, Casey Stone Romero. He said a solution has been identified that would allow the Commission to continue to receive some of the Part B funding in a way that does not materially alter what the SILC did. He said this solution involves the Commission and DVR splitting the \$19,284 of Part B funds that DVR is supposed to receive. The Commission would then receive about \$9,500 of Part B funds, which would allow the Commission to continue to use program income.

Mr. Trapp said the Commission receives reimbursements from the Social Security Administration called program income. He said there is a special rule that allows vocational rehabilitation agencies to spend this particular program income on Part B, Part C, and OIB; however, the Commission can only spend program income to supplement other federal funding that is being spent. He said this means if the Commission is not receiving and spending Part B funds, then the Commission cannot supplement those funds with program income. He said if the Commission loses all of the Part D funds, the agency will not be able to spend program income on independent living services for people who are younger than 55, for some individuals older than 55, or for activities like the BELL Academy and Creating Options. He said if the Commission loses all the Part B funds, this will equate to a loss of about \$300,000 for the Commission and would have a negative financial consequence for DVR as well.

Mr. Trapp said the Commission has Part B funding through this federal fiscal year. He said the plan is to carry over half of the Part B funds into the next Federal fiscal year. He said the hope is that sometime in the next eight or nine months, the Commission can work with the SILC to do a technical amendment to the State Plan for Independent Living that would allow DPR and the Commission to split the Part B funds and approve the Commission to use its half of the Part B funds to provide Part B IL services.

Mr. Trapp said the ILRU technical assistance center was working with the SILC, and the information being conveyed by ILRU was that New Mexico was an outlier in receiving Part B funds. He said that having researched the issue, there are actually 14 state agencies that receive Part B funds and distribute them as New Mexico does. He said The states include Missouri, Washington, Oregon, Minnesota, Vermont, Delaware, Arkansas, and Michigan. Mr. Trapp said those states tend to be the ones that provide the best independent living services to persons who are blind or have low vision. Mr. Trapp said there may also be some states that are spending program income on Part B services in ways that are not allowable, given that they are not supplementing their own Part B spending. He said RSA has made some very dramatic departures from their historical interpretations with respect to spending, and the possibility exists that RSA could interpret the spending of program income in a way that would prevent program income from being used for independent living services.

Mr. Maestas said he attended a SILC meeting about two months ago, and he is concerned because the SILC has developed their own application that they want people to fill out when they apply to be SILC members, which is entirely separate from the

established process of applying through the Governor's Office. Mr. Maestas asked chairperson Hayes who would be making the decisions about whether to accept or reject the applications submitted, and chairperson Hayes said she believes the decisions would be made by Kathy Cooper, Sarah and Marcy, whether the application came directly to the SILC or was funneled To the SILC by the governor's office. Mr. Trapp said according to the law, the governor is to obtain recommendations for SILC membership from a broad range of agencies, and the governor decides whom to appoint to the SILC.

b. Update on Pre-Employment-Transition Services, Greg Trapp, Jim Salas, Daphne Mitchell, and Kevin Romero

Mr. Trapp said the Commission submitted a corrective action plan quarterly report at the end of October to the Rehabilitation Services Administration. He said the report showed that the agency had expended all of the FFY 23 Pre-ETS reserve, and that the Commission was on track to spend the entire FFY 24 Pre-ETS reserve by the end of December. Mr. Trapp added that a transfer was completed that transferred \$500,000 in VR authority from DVR to the Commission, which included an additional \$75,000 of Pre-ETS funds. Mr. Salas said the STEP program is one of the primary ways the Commission spends the Pre-ETS funds.

c. Employer Award Update, Greg Trapp, Daphne Mitchell, Jamie Sibson, and Kelly Burma

Mr. Trapp reported on Disability Employment Month, saying there was a disability employment event held on October 17, and that a proclamation was issued by the governor. He said the Commission presented two awards at the event, giving plaques to the Explora Science Center and Children's Museum and to Albuquerque public schools. Mr. Trapp said Jamie Sibson and the Commission counselors in Farmington and Roswell will be presenting plaques to the other four employers chosen for awards. Mr. Trapp thanked the Counsel for their help with the awards.

The Workforce Board Report from Veronica Alonzo was given at this point in the meeting.

8. Workforce Board Report, Veronica Alonzo

Ms. Alonzo said she is in Arizona at a youth symposium that is part of the National Association of Workforce Development Professionals. She said there are several breakout sessions on serving youth with disabilities. She said the Workforce Solutions Department is working on the annual report that is due December 1, saying it will be completed by the end of the week. She said the Department is also reviewing the four local Workforce Development Board plans.

Ms. Alonzo said the state Workforce Development Board is reviewing policies on adult and dislocated workers and youth, and the revised youth policy will be presented at the state Workforce Development Board meeting on December 5 in Las Cruces.

Ms. Chavez said she appreciated Ms. Alonzo attending the National Coalition of State Rehabilitation Councils meeting. Ms. Alonzo said it was helpful to hear about best practices and challenges, and being at the conference confirmed the importance of having a seat at the table. She said she appreciated the DVR SRC inviting her to attend. Mr. Trapp said the Commission can also sponsor Ms. Alonzo to attend the NCSRC conference next year if she wishes.

13. New Business

a. Approval of Council Annual Report, Greg Trapp

Mr. Trapp said the annual report is due at the end of December. He said the report uses a template that is updated with new numbers each year for employment, independent living, the Business Enterprise Program, and fiscal numbers. He said the draft report that was sent out on Saturday did not include all of the updated numbers, but the Commission has most of those numbers now.

Mr. Trapp said the fiscal information was consolidated and placed earlier in the report. He said another change from prior years is that the Commission is using the term “low vision” instead of “visually impaired.” He said this change was made because the term “low vision” has gained greater acceptance within the blindness and low vision community, and some people are offended by the term “visually impaired.”

Mr. Trapp said the results of the consumer satisfaction survey are included in the report in several places, along with the quote where one of the respondents said, “the Commission is my eyes, my heart, and my right hand.”

Mr. Trapp led a discussion about what term to use when referring to persons receiving services from the Commission. He said some people feel that client does not accurately reflect the relationship between the Commission and the person. He also said that sometimes people such as members of the New Mexico legislature are confused by the contextual meaning of the word consumer. Mr. Salas said that the term participant is commonly used. Ms. Burma said she thinks of a client as somebody who is paying for services, whereas a consumer is somebody who is receiving and not giving back, and neither of those interpretations reflects what the Commission is doing. She said she feels the term participant implies a two way relationship and is more accurate. Mr. Blair, Ms. Sibson, and Ms. Chavez said they agreed with Ms. Burma. Ms. Alonzo said the Workforce Board uses the term participant. Mr. Trapp said if participant is the word that everyone feels is most appropriate, the terminology in the annual report can be changed to reflect this. He said the goal is to communicate clearly to the reader.

At the request of Mr. Trapp, Miss Savage read aloud the cover letter signed by Chairperson Hayes, and Mr. Romero read aloud the cover letter signed by Mr. Trapp and Commissioner Lansing. Mr. Trapp said the cover letter from Commissioner Lansing is more focused on compliance and includes numbers of people served by the different programs, which for most of the programs shows increasing numbers. He said the number of successful employment closures went down from 30 to 21 between fiscal year 23 and fiscal year 24, but this was due to anomalies associated with the pandemic that would be difficult to explain, so this change was not highlighted in the letter. He said the Commission has placed 71 people in employment during the year, which was included in the letter. He said 21 people were closed as successfully employed, but during the course of the year, the Commission helped an additional 50 individuals to become employed, and those individuals are awaiting closure once they become stabilized in their employment.

Mr. Hooee said he likes the use of the quote in the cover letter because it brings out a real life situation and shows someone saying that they're really happy about having the Commission help them. Mr. Trapp said there are a number of good quotes from the survey, and he asked Mr. Romero to read some of the quotes allowed, Adding that it

could be a good idea to sprinkle them throughout the annual report. Mr. Blair said he would support doing that.

Mr. Babb made a motion to approve the annual report, allowing the executive committee to change the numbers as needed, using “low vision” instead of “visually impaired,” using “participant” in place of “client” or “consumer,” and adding additional quotes to the report from the consumer satisfaction survey. The motion was seconded by Mr. Maestas. A vote was taken, and the annual report was unanimously approved.

14. Council Open Discussion

Mr. Maestas noted that it had been reported earlier that the average hourly wage was unusually high, and he asked if Mr. Trapp would be giving the legislature an estimation of what the average wage might be for the current fiscal year. Mr. Trapp replied that it was because of the unusually high wage of one participant that the average salary was higher, which is explained in the annual report, and he said he would definitely explain that to the legislature. He said if you remove the unusually high wage of the one participant, the average salary was something like \$22 an hour. He said the Commission met three out of four performance measures, and the one independent living performance measure that was not met was due to the pandemic, which he will also explain to the legislature.

Ms. Chavez said she and Mr. Luttrell were in the SRC meeting yesterday for DVR in Las Cruces, and a lot of the conversation was surrounding Casey Stone Romero's retirement happening in 20 days. Mr. Trapp said her retirement is unfortunate, and that she had been the DVR Director for three years, the longest serving director DVR has had for quite a few years. He said he has seen about 15 DVR directors during his time as director of the Commission.

Ms. Chavez said the Disability Rights Awareness Day has been scheduled at the Roundhouse. She said the pre-legislative forum will be on January 11 in Albuquerque, and the Disability Rights Awareness Day at the Roundhouse will be on February 13.

Dr. Cage said her department is gearing up to bring back House Bill 285, which establishes the Office of Special Education. She said this may be the last chance to be able to do that in this administration since this is a 60-day session. She said there is also a restraint and seclusion bill that is being brought by LEFC codifying the need for specialized supports for students with disabilities regarding restraint and seclusion. She said there is also a bill to clean up a lot of the PED rules and legislation to be consistent with federal regulations and responsibilities related to students with disabilities.

Mr. Trapp said the Rehabilitation Act includes language that requires compensation for childcare and personal care attendants for the members of the State Rehabilitation Councils. He said federal law for the Developmental Disabilities Planning Council uses the same language, whereas for the SILC it refers to personal assistance services. He said the Commission has tried to get approval for such reimbursement through the Department of Finance and Administration without success. He said Mark Melhoff, the acting state controller, advised that the Per Diem and Mileage Act would need to be changed. Mr. Trapp said when council members and employees with disabilities travel they may encounter costs for accommodation-related items that are not contemplated in the Per Diem and Mileage Act. Mr. Trapp asked Dr. Cage if she would work with the Commission and other agencies to address this need, and Dr. Cage said she would be happy to discuss it further.

Mr. Romero said the Commission was able to get a waiver from the DFA Manual of Accounting Policies regarding what are considered reasonable expenses. The Commission needed this waiver so they could cover disability-related travel expenses for employees with disabilities to obtain the same access to services as nondisabled employees. Mr. Romero offered to share the waiver with anyone who might need it.

Ms. Burma said that the Navajo speech synthesizer and Braille initiative was discussed earlier in the meeting and that the director of the Navajo Nation Vocational Rehabilitation program, Ms. Seanez, is excited about the initiative. Ms. Burma thanked Dr. Cage for her support of the initiative.

15. Comments from the Audience

There were no comments from the audience.

16. Date and Location of Next Meeting

The next SRC meeting was scheduled for Friday, February 14 in Santa Fe at 10 AM.
The next SRC meeting after that is scheduled for Wednesday May 7 in Albuquerque at 10 AM.

17. Adjourn

Chairperson Hayes adjourned the meeting at approximately 4:02 PM.

Approved and Electronically Signed this 14th Day of February, 2025.

Peggy Hayes, Chairperson

State Rehabilitation Council

New Mexico Commission for the Blind

Attachment

Draft Open Meetings Resolution Dated September 19, 2024

New Mexico Commission for the Blind

State Rehabilitation Council

Open Meetings Resolution

September 19, 2024

WHEREAS, SECTION 10-15-1(B) OF THE OPEN MEETINGS ACT, states that, except as may be otherwise provided in the constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, SECTION 10-15-1(D) OF THE OPEN MEETINGS ACT requires the State Rehabilitation Council to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the State Rehabilitation Council (Council), meeting in the city of Alamogordo this 19th day of September, 2024, that:

1. All meetings shall be held as indicated in the meeting notice, except that meetings may be canceled due to a lack of a quorum, due to inclement weather, or for other appropriate reasons.
2. Regular meetings: Notice of regular meetings shall be given at least 10 days in advance of the meeting.
3. Special meetings: Notice shall be given at least 3 days in advance of any special meeting.
4. Emergency meetings: Emergency meetings may be called by the chair or a majority of the members upon at least 24 hours' notice, unless threat of personal injury or property damage requires less notice. Emergency meetings will be called only under unforeseen

circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the Commission for the Blind from substantial financial loss.

5. For purposes of regular meetings described in paragraph (2) of this resolution, notice requirements are met if notice of the date, time, place, and how to obtain a copy of the agenda is published in a newspaper of general circulation and placed on the Commission for the Blind web page, www.cfb.state.nm.us. Notice shall also be placed on Newsline for the Blind. Notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings. The meeting agenda shall be made available and posted on the Commission web page at least 72 hours prior to the meeting.

6. For purposes of special meetings described in paragraph (3) of this resolution, notice shall be posted at the Commission for the Blind administrative office in Santa Fe, posted in the Albuquerque field office, placed on Newsline for the Blind, posted on the Commission web page, and given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings. The meeting agenda shall be made available and posted on the Commission web page at least 72 hours prior to the meeting. When possible due to publication deadlines, notice shall also be published in a newspaper of general circulation.

7. For purposes of emergency meetings described in paragraph (4) of this resolution, notice requirements are met if notice of the date, time, place, and a copy of the agenda is made reasonably available under the circumstances, which may include posting at the Commission for the Blind administrative office in Santa Fe, posting at the Albuquerque field office, placement on Newsline for the Blind, posting on the web page of the Commission for the Blind, and placement using other appropriate methods. Notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

8. All notices shall include information on how persons with disabilities may request a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service as may be required by the Americans with Disabilities Act (ADA).

9. A member of the Council may attend by conference telephone or other similar communications equipment, including internet-based technologies. However, such attendance is allowed only when it is otherwise difficult or impossible for the member to attend. Such attendance is allowed at the discretion of the chair. In addition, each member thus participating must be identified when speaking, all participants must be able to hear each other at the same time, and the public must be able to hear any member who speaks during the meeting.

10. To further provide the public with notice of meetings, the council shall post a meeting calendar on the Commission's web page that provides the dates, times, and locations of scheduled council meetings.

11. Should technical problems occur that prevent placement of notice on entities such as Newsline for the Blind or the Commission's web page, the Council shall engage in activities to provide additional notice through other available and appropriate methods, such as through email distribution and posting on social media.

12. The Council may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under the open meetings act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Council taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close. The vote of each member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(b) If a closed meeting is to be conducted when the Council is not in an open meeting, the closed meeting shall not be held until appropriate public notice is given.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(d) Except as provided by the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote in an open public meeting.

13. Conduct of public meetings prior to the adoption of substantive policies or procedures governing the provision of vocational rehabilitation services.

(a) Prior to the adoption of any substantive policies or procedures governing the provision of vocational rehabilitation services under the Combined State Plan, including making any substantive amendments to policies and procedures, the Commission for the Blind will conduct public meetings throughout the state to provide the public, including individuals with disabilities, an opportunity to comment on the policies or procedures.

(b) At least 72 hours prior to any public meeting, the public meeting shall be advertised in a newspaper of general circulation, posted to the commission web page, placed on Newsline, provided to disability advocacy groups representing individuals who are blind, and distributed as may otherwise be appropriate. The public meetings may include town forums, town halls, or other public meetings organized by the commission. The public meetings may also include an option for remote participation.

(c) Should limits on public gathering be in place due to a declaration of a state of emergency, the public meetings may also include meetings that take place telephonically or by video webcast, provided that each such meeting is specifically directed to and associated with a particular region of the state. The Commission shall enable remote public access to any meeting at which such limitations are imposed through means of telephonic or video webcast. The Commission shall, in the notice of such a meeting, provide the public with information as to how the meeting may be accessed remotely. The notice shall specifically state that the purpose of the public meeting is to provide persons who reside in the area with an opportunity to comment on the proposed policies or procedures. In addition to the notice requirements set forth in subsection (b), the Commission shall also advertise the public meeting in a newspaper that is located in the area, provide the notice to affiliates or chapters located in the area of disability advocacy groups representing individuals who are blind, provide the meeting notice to the center for independent living that serves the area, post the meeting notice in the Commission office that is in the area, provide the notice to any American Indian Vocational Rehabilitation Projects that serve the area, and conduct such outreach as would otherwise be appropriate if the public meeting was being held in a physical location in the area.

(d) Following the conclusion of a declared state of emergency, and should limits on public gathering remain in place or should public health officials discourage public gatherings or otherwise recommend that social distancing be maintained, the Commission may place reasonable limits on the manner in which the public attends public meetings, provided that all interested individuals are afforded a reasonable opportunity to attend or participate. This may include requiring persons attending the public meeting to maintain a specified distance from others present at the meeting. The Commission shall enable remote public access through telephonic or video webcast for any meeting at which such limitations are imposed. The Commission shall, in the meeting notice, provide the public with information as to any in-person limitations as well as information on how the meeting may be accessed remotely.

14. Meetings Held During Times of State Emergencies: In the event that a state of emergency is declared due to the spread of an infectious disease, due to the spread of chemical, biological, or radiological hazards, or due to some other comparable disaster or emergency, and if postponing one or more items of business until the conclusion of the state of emergency would be inconsistent with the proper and efficient operation of the Council, the Council may hold a meeting designed to preserve the health and safety of the public while also adhering to the purposes of the Open Meetings Act. This shall consist, where possible, of the members of the Council appearing telephonically or by video webcast, with the public able to observe the proceedings at both a physical location and a video webcast or telephonic location. However, where such arrangements are not

possible due to public health or safety concerns, and at the election of the Chair, or of the Vice Chair should the Chair be unavailable, the Council may hold a video and/or telephonic meeting, subject to all of the following conditions and limitations:

(a) Each member participating must be identified when speaking, all participants must be able to hear each other at the same time, and the public must be able to hear any member who speaks during the meeting.

(b) A video webcast or telephonic meeting may only be held if the members of the Council are unable to meet in a physical location due to the state of emergency, including when an order is in place limiting or prohibiting public gatherings.

(c) Both the notice and the agenda of any video webcast or telephonic meeting shall provide information to the public on how the meeting may be accessed remotely, either through the video webcast, telephone, or similar technology. All meeting documents, except those which are exempt from disclosure as a public record, shall be available on the website of the Commission for the Blind before and during the meeting for public access and review, shall be available through methods set forth in the meeting notice, or shall be available during the meeting for downloading through whatever video webcasting service may be used for the meeting.

(d) At any video webcast or telephonic meeting, all votes shall be cast through a roll-call vote. The Chair shall suspend all discussion in the event that the audio is interrupted or becomes unintelligible.

(e) The Council shall make an audio recording of any video or telephonic meeting and, within five business days of the meeting, post the recording on the website of the Commission for the Blind for a period of not less than thirty days. The Commission shall maintain a copy of the recording for a period in compliance with the Federal regulations at 2 CFR 200.333, and as may otherwise be required by state record retention laws, and make the recording available as may be required by the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019).

(f) Following the conclusion of a declared state of emergency, and should limits on public gathering remain in place or should public health officials otherwise recommend that social distancing be maintained, the Council may, in the interests of public health and safety, and if determined necessary by the Chair, place reasonable limits on in-person attendance at meetings, provided that all interested individuals are afforded a reasonable opportunity to attend or participate. The Council shall enable public access through telephonic or video webcast for any meeting at which such limitations are imposed. The Council shall, in both the notice and the agenda of such a meeting, provide the public with information as to any in-person limitations as well as information on how the meeting may be accessed remotely. The Council shall also make and process an audio recording of such a meeting in the same manner as required by subsection (e).

Passed and electronically signed by the Chairperson of the State Rehabilitation Council of the New Mexico Commission for the Blind this 19th day of September, 2024.

Peggy Hayes, Chair
State Rehabilitation Council
New Mexico Commission for the Blind